

REMARKS

Claims 2-9, 11-27 and 20-32 are pending in the application.

Claims 2-6, 8, 9 and 11-27 have been allowed.

Claims 7 and 30-32 have been rejected.

Claims 2, 3, 7-9, 11, 18-27 and 32 have been canceled herein.

Claims 4, 6, 13-17 and 30-31 have been amended herein.

Claims 33-43 have been added herein.

Claims 4,-6, 13-17, 30-31, and 33-43 remain pending in this application.

Reconsideration of the claims is respectfully requested. The Applicants make the aforementioned amendments and subsequent arguments to place this application in condition for allowance. Alternatively, the Applicants make these amendments and offer these arguments to properly frame the issues for appeal.

I. CLAIM REJECTIONS -- 35 U.S.C. § 103

Claims 7 and 32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,285,766 B1 to Kumamoto (hereinafter "*Kumamoto*") in view of U.S. Patent No. 7,242,782 B1 to Kasai, et al (hereinafter "*Kasai*"). Claims 30 and 31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Kumamoto*, *Kasai* and U.S. Patent No. 6,804,358 B1 to Kawano (hereinafter "*Kawano*"). The Applicants respectfully traverse these rejections.

In *ex parte* examination of patent applications, the Patent Office bears the burden of establishing a *prima facie* case of obviousness. MPEP § 2142, p. 2100-133 (8th ed. rev. 4, October 2005). Absent such a *prima facie* case, the Applicants are under no obligation to produce evidence of nonobviousness. *Id.* To establish a *prima facie* case of obviousness, three basic criteria must be met: *Id.* First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. *Id.* Second, there must be a reasonable expectation of success. *Id.* Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *Id.* The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on Applicants' disclosure. *Id.*

The Applicants have canceled Claims 7 and 30-32 without prejudice. The Applicants respectfully submit that *Kumamoto* and *Kasai*, taken singularly or in combination, do not teach or suggest "providing the second output signals to a first feedback crossover path operable to receive, delay, and filter the second output signals; and providing the first output signals to a second feedback crossover path operable to receive, delay, and filter the first output signals; wherein generating the first output signals further comprises using an output from the second feedback crossover path; wherein generating the second output signals further comprises using an output from the first feedback crossover path" as recited by independent Claims 33, 38 and 40.

Further, The Applicants respectfully submit that the combination of *Kumamoto* and *Kasai*, taken singularly or in combination, do not teach or suggest “individually altering a frequency response of one or more of the filters and a delay of one or more of the delay lines” as recited by independent Claim 7 or “individually altering a frequency response of one or more of the filters and a delay of one or more of the delay lines to change the location of one or more of the virtualized speakers”.

CONCLUSION

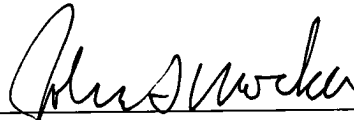
As a result of the foregoing, the Applicants assert that the remaining Claims in the Application are in condition for allowance, and respectfully request an early allowance of such Claims.

If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicants respectfully invite the Examiner to contact the undersigned at the telephone number indicated below or at *jmockler@munckcarter.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

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